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December 6, 2022

**VIA ECF**

Honorable Paul G. Gardephe  
United States District Court  
Southern District of New York  
40 Foley Square, Room 2204  
New York, New York 10007

Re: ***Douglas G. Richardson v. Adobe, Inc., Case No. 22-cv-07114-PGG,  
Notice Of Adobe's Intent To File Motion To Dismiss, and Joint Request  
for Adjournment of Initial Pretrial Conference***

Dear Judge Gardephe:

Pursuant to the Court's order during the pre-motion conference held on November 17, 2022 (Dkt. 20), Defendant Adobe respectfully informs the Court that it intends to proceed with filing a motion to dismiss all claims in Plaintiff's First Amended Complaint, which was filed on December 1, 2022 (Dkt. 23). The parties conferred on a briefing schedule for the motion to dismiss, and respectfully request that the following joint proposed schedule be adopted:

- January 13, 2023: Adobe's Opening Brief
- February 15, 2023: Plaintiff's Opposition Brief
- March 1, 2023: Adobe's Reply Brief

The parties also conferred regarding preparation of a proposed case management plan, and the Initial Pretrial Conference, currently scheduled to take place by telephone at 11:30 a.m. on December 15, 2022 (Dkt. 20). Because Adobe's motion to dismiss will seek dismissal of all claims in Plaintiff's First Amended Complaint, Adobe respectfully requests that discovery be stayed pending the Court's ruling on the motion, in order to conserve party and Court resources. Plaintiff informed Adobe that it does not yet have a position on Adobe's requested discovery stay. However, the parties agreed on a proposed procedure for addressing Adobe's request, and as part of that procedure respectfully request that the Court adjourn the Initial Pretrial Conference set for



**December 6, 2022**

Page 2

December 15, 2022, and permit the parties to submit letters to the Court (in accordance with the Court's Individual Practices) providing their respective positions by March 13, 2023, such that the Court will have the benefit of complete briefing on the motion to dismiss in considering whether to stay discovery. Thereafter, should the Court stay discovery, the Initial Pretrial Conference could remain adjourned until a later date. Or, should the Court not stay discovery, the parties would be ready to proceed with their submission of a proposed case management plan, and an Initial Pretrial Conference at the Court's convenience.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'Jonathan Swisher'.

Jonathan Swisher

*Counsel for Defendant Adobe, Inc.*

cc: All counsel of record via ECF

**MEMO ENDORSED:** The conference on December 15, 2022 is adjourned to January 5, 2023 at 11:15 a.m. in Courtroom 705 of the Thurgood Marshall United States Courthouse, 40 Foley Square, New York, New York. Defendant will submit another letter by December 20, 2022 explaining why the amended complaint does not address the alleged defects set forth in Defendant's October 17, 2022 pre-motion letter.

SO ORDERED.

A handwritten signature in black ink, appearing to read 'Paul G. Gardephe'.

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Paul G. Gardephe  
United States District Judge  
Date: December 13, 2022